S.B.CRIMINAL MISC. PETITION NO.288/2007

Date : 25.07.2007

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. H.M. Saraswat for the petitioner(s).
Mr. Ashok Upadyaya, Public Prosecutor for the State.
Mr. Chaitanya Gahlot for non-petitioner No.2.

Learned counsel for the petitioner submits that while recording statement under Section 313 Cr.P.C., documents ought not to have been exhibited. He further submits that the accused could not be permitted to exhibit the document without giving an opportunity to the other side and to cross-examine the accused who has produced the document in evidence. He also submits that the objection which was raised by the complainant at that time has not been decided by the trial court.

It is a serious case and pending trial, therefore, this objection needs to be disposed of early before judgment is delivered in the case.

Learned counsel for non-petitioner No.2 and the learned Public Prosecutor both have not seriously opposed and

submit that if a objection is raised, then, the same is required to be disposed of.

I have considered the submissions made before me.

In view of the submissions made and in the facts and circumstances of the case, I deem it proper to direct the learned trial court to first decide the objection, which has been raised by the learned counsel for the petitioner at the time of recording of statement under Section 313 Cr.P.C. of the accused, in case, proper application is moved. On moving such application, the learned trial court shall hear the parties and decide the same within 15 days.

The misc. petition stands disposed of.

(SATYA PRAKASH PATHAK), J.